App. F. IX-4

1939.
(S.O.7).

File No. 36-39

Previous References
7-54-37-S, 8-10
7-54-37-Sls 12-13.

Serial Nos. 2-3

PRESERVED

Later References.
07. 36-39 Sl 5,9,
" 72-40 " 1-2
10-41(1-68).

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. two

Part B for April 40.

SUBJECT:

Indian Trade marks Act..

Sl 3) NSD 4658 dated 11.4.40.

To the Dr of S.O.7

WD 0573—GPB—22,500—12-9-39

Not necessary to issue notices & stop the taking to register the Trade marks by forestall.

Secretariat
20/5

Indian Trade Marks Act

1

General and Revenue Secretariat 5-0-7 File-No. 36 of 1939. [App. F. III-2

Serial No.

From the Dir of 5-0-7.

No 3451 20-3-40

States that the Indian Trade Marks Act, will come into force in British India shortly ~~that~~ Mr Mathuraprasad Surajprasad of Kanauj may register his label as soon as the Act becomes a law, ~~which makes difficult to register our own label~~ and requests that prompt action should be taken in the matter to register our label.

1) Mr. Mathuraprasad Surajprasad of Kanauj has been using labels on his Sandal oil bottles closely imitating ~~the~~ trade ~~of~~ used by the Govt Sandal oil Factory. bottles Two notices were issued to him and no reply is stated to have been received ~~for the record~~ ~~notice~~ the connected file is linked herewith

2) The points for consideration are:-

A 1) whether another notice should be sent to Mr. Mathuraprasad Surajprasad to keep alive our ~~contention~~ interest for his using a label closely intimating that of ours.

B 2) To authorise some firm to register our label as soon as the Trade Mark Act becomes operative.

3) The Law Section may be consulted

4) Submtd for orders

26/3/40 5) A. The Govt Advocate and the Law Secy may be consulted.

B. 6) Action may perhaps be taken immediately to have our label registered as soon as the Trade Mark Act becomes operative

7) Please consult Govt Advocate & Law Secy

Dwb 26/3/40

NOTE—Contn. Sheet.

Indian Trade Marks Act

3568

S.O.7- File No. 36 of 1939.

General and Revenue Secretariat.

Serial No.

17) Forwarded, unofficially, with compliments to the Government Advocate for favour of remarks.

By order

for Secretary to Govt
by Development Dept.

17) Gov. No. 1874/39-Dev
28-3-40

18) [illegible]

15) Returned with compliments.

16) Since, as communicated already on 27-2-1939, (Vide: this office U. O. No. 67, dated the 27th February 1939) no reply was received to the second of the notices, dated the 31st August 1939, I do not think it is necessary or expedient to continue to issue notices which do not elicit even a reply, let alone compliance with the demand.

17) I think early steps may be taken to register the Factory's trade-mark so as to forestall Messrs. Mathuraprasad Surajprasad Jajoo to prevent him from registering their imitation of them

Government Advocate.

H/1.4.40.

14) Gov. No. 80-39-40
dt 2.4.40

OFFICE OF THE FIRST MEMBER OF COUNCIL
APR 10 1940
No 9309

GOV. DEV. DEPT.

18) Ref. Para 16.

19) Draft)

20) [illegible]

21) Steps may be taken to register.

6922
5/4

22) Noted
10/4/40

Indian Trade Marks Act

3568

5

3

General and Revenue Secretariat S.O. F. File No. 36 of 1939. [App. F. III–2

Serial No.	
	Draft letter to the Dir of the S.O.J. Subbd. by Dr 11/4/40. Spl today Today
3	Ref. 4656 dated 11.4.40. From the Dir of S.O.J. states that it is not necessary or expedient to continue to issue notices & early steps may be taken to register the Trade marks to forestall

GENERAL & REVENUE SECRETARIAT 17/4/40 DEPARTMENT BRANCH

NOTE—Contn. Sheet.

S.O.F 36-39-2 4

Tel. Address: "SANDAL" MYSORE.
Telephone No. 362.

GOVERNMENT OF MYSORE.

GEN. & MISCL. SECRETARIAT
21 MAR 40
DEVELOPMENT BRANCH.

No. 3457
Encl. one set of labels.

Office of the Director,
Sandalwood Oil Factory, Mysore.

Dated 19th March 1940.

3568.

FROM

S. G. SASTRY, ESQ., B.A., M.Sc. (Lond.),
Director, Sandalwood Oil Factory.

S&P
21 MAR 1940

To

Charles E. Noronha, Esq., M.A.,
Secretary to the Government of Mysore,
Development Department, BANGALORE.

SIR,

Subject:- Indian Trade-Marks Act brought before the Central Assembly, New-Delhi.

I have the honour to inform the Government that this legislation is going apace and very soon we shall have a trade-mark act in operating in British India. Probably, Government of Mysore will have to take similar action at a very early date.

The Sandalwood Oil Factory is marketing its product under special labels - copies are submitted herewith for reference. Since a major portion of our oil in India is sold outside the Mysore State, it is necessary for us to have these labels registered in British India as soon as it is possible to do so. There are certain firms who specialise in this type of business and one of them, Messrs. Law Morris & Co., Patent & Trade Mark Attorneys, Commercial Buildings, 19, Strand Road, Calcutta, has written a letter to the Sandalwood Oil Factory offering its services in this direction. Why I am anxious to have our labels registered at the earliest possible moment is due to the fact that some other distillers of sandalwood-oil in India have been adopting labels which are colourable imitations of our own labels. In the case of one manufacturer, namely, Mr. Mathuraprasad Surajprasad of Kanauj, after obtaining the sanction of Government, a notice was issued by the Government Advocate on 30th June 1938, asking the party to desist from using

labels which were close imitations of our labels. The party sent a reply which was not very helpful and the Government Advocate issued a second notice on 31st Aug.1938. It looks as though no reply has been received by the Government Advocate to his second notice.

Government in their letter No.D.8576/S.O.F. 54-37-13 dated 5th April 1939 sent me a copy of the second notice of the Government Advocate and also asked me to send up suitable proposals at an early date. After the receipt of this letter, I wrote to our Calcutta Agents to find out if the competition of Mathuraprasad Surajprasad's sandalwood-oil was substantial in the Calcutta markets. A reply was received to say that our agents ~~had~~ did not feel this competition in the Calcutta markets. On a personal enquiry, our South Indian agents also were of the same opinion. In the meanwhile, I was waiting to see if Mr. Mathuraprasad Surajprasad would send a reply to the Government Advocate to the second registered notice. The matter rests at this stage, nothing further having been done.

It is very likely that Mr. Mathuraprasad Surajprasad will register his label as soon as the act becomes a law in British India and if he does so, it may be difficult for us to register our own label, which has been in use in the markets of the world for a longer time. Therefore, prompt action is necessary from our side. There are two points for decision:--

(1) If the Government Advocate has not received any reply to his second notice of 31st August 1938, should he issue another notice in order to keep alive our contention that Mr. Mathuraprasad Surajprasad is using a label closely imitating that of ours?

(2) Should we authorise some firm who is specialised in this type of business to register our labels as soon as the trade mark act becomes operative. It is stated that the Central Government may, by notification in the Official Gazette, provide such procedure as it considers expedient to enable intending applicants to deposit Trade Marks at the Patent Office prior to the commencement of this Act.

Therefore, there is a chance for us to engage the services of a company to take steps to protect our interests

as soon as it is possible to do so.

I request very early orders of Government.

I have the honour to be,

S i r,

Your most obedient servant,

SGS:ATK)

Director.

D 4657
SOF 36-39-3

11 April 1940.

The Director of Sandalwood Oil Factory,
M Y S O R E.

Subject:- Registration of the Sandalwood Oil Factory labels in British India under the Indian Trade Marks Act - Action against Mr.Mathuraprasad Surajprasad of Kanauj.

With reference to your letter No.3451 dated 20th March 1940 on the above subject, I am directed to state that it is not necessary or expedient to continue to issue notices to Mr. Mathuraprasad Surajprasad as they do not elicit even a reply. I am to add that early steps may be taken to register the Sandalwood Oil Factory's Trade Marks so as to forestall Mr. Mathuraprasad Surajprasad and to prevent him from registering his imitations of them.

I have the honour to be,

Sir,

Your most obedient servant,

For Secretary to Government,
Development Department.

Als.

Appendix F G—1]

SUBJECT... Registration of the Sandalwood oil Factory labels in British India under the Indian Trade and Merchandise Act

Action against Mr. Mallinaraprasad Surajprasad of Kanauj.

Section 5.0.7

File No. 36-39

Serial No. 3

No. D 4656

To The Dir of 5.0.7.

Sir,

With reference to your letter No 3451 dated 20th March 1940 on the above subject, I am directed to state that no reply has been received from Mr. Mallinaraprasad Surajprasad to our second notice dated 31-8-39, and it is unnecessary to issue notices which do not even elicit a reply, early steps may be taken to register the Sandalwood factory's labels as trade-marks & to prevent him from registering his imitations of them.

I have etc

for Dep. Secy

Diary No. of letter replied to.. .....

General and Revenue Secretariat

( )

the . 193 .

Date of issue ..... 1/4/40 .....

Signed by..... Mr. Ghosh Mallik

it is not necessary or expedient to continue to issue notices to Mr. Mallinaraprasad Surajprasad as they do not elicit even an acknowledgment. I am to add that

List of enclosures..... .....

Copied by.....

Examined by.....